

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

UNITED STATES OF AMERICA and)
THE STATE OF WISCONSIN,)

Plaintiffs,)

v.)

NCR CORPORATION, *et al.*,)

Defendants.)

Case Action No.: 1:10-CV-00910

Hon. William C. Griesbach

NOTICE OF DEPOSITION
PURSUANT TO FED. R. CIV. P. 30(b)(6)

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure 30(b)(6), counsel for Defendant Menasha Corporation (“Menasha”) will take the deposition upon oral examination of Plaintiff United States of America (the “United States”).

Pursuant to Fed. R. Civ. P. 30(b)(6), the United States shall designate one or more persons most knowledgeable and prepared to testify on behalf of the United States about information known or reasonably available to the United States concerning its claims and defenses in this civil action. Specific topics on which the United States may be questioned are contained in Attachment A attached hereto.

The deposition will commence on August 31, 2012, at 10:00 a.m. at the offices of Hunsucker Goodstein & Nelson PC, 5335 Wisconsin Avenue, NW, Suite 360, Washington, D.C., or another mutually agreed upon location, before a person duly authorized to administer oaths. The deposition will be videotaped and transcribed by stenographic means.

PLEASE TAKE FURTHER NOTICE, that pursuant to Fed. R. Civ. P. 30(b)(2), the United States is required to produce and bring with it to the deposition any and all documents in its possession, custody or control, responsive to the requests in Attachment A.

All parties are invited to attend and to participate if so desired.

Dated: August 1, 2012

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ATTACHMENT A

1. Movement of PCBs in the Lower Fox River and Green Bay (“the Site”), including but not limited to:
 - a. Processes that do or may cause movement of PCBs at the Site;
 - b. Efforts to sample PCBs at the Site;
 - c. Efforts to model the movement of PCBs at the Site, including but not limited to those modeling efforts listed in the items below:
 - i. Development and use of the Whole Lower Fox River Model (“wLFRM”) at the Site;
 - ii. Development and use of the Fox River Food Model (“FRFood”) at the Site;
 - iii. Development and use of all other models used in the decision making process at the Site; and,
 - iv. The decision to use the other models as part of the remedial decision process;
2. Information provided by the United States Army Corps of Engineers (“USACE”) to the State of Wisconsin on dredging, including but not limited to the information on dredging discussed in Model Evaluation Workgroup Technical Memorandum 2g (July 23, 1999) (“Tech Memo 2g”);
3. The conclusions reached in Tech Memo 2g, including;
 - a. “. . . open water disposal of dredge spoils occurred during a period believed to coincide with the peak use (and discharge) of polychlorinated biphenyls (PCBs) in the Lower Fox River. More than 3.1 million cubic meters (4.1 million cubic yards) of potentially PCB contaminated material was disposed in open water locations” (Tech Memo 2g at 12); and,
 - b. “Open water disposal may represent a potentially significant PCB transport pathway” (*Id.*);
4. Dredging performed at the Site by any person, including but not limited to the USACE and any of its contractors;
5. The impacts of dredging on the location of PCBs at the Site;

6. The location of any sediment after dredging at the Site, including but not limited to:
 - a. The location(s) of any resuspended sediments; and,
 - b. The location(s) where any open water disposal of sediments occurred;
7. The construction and operation of Confined Disposal Facilities (“CDFs”) at the Site, including but not limited to:
 - a. Any efforts by the State of Wisconsin or any of its departments or agencies to oppose placement of CDFs at the Site; and,
 - b. Any leaching or leaking of CDFs at the Site;
8. The impacts of CDFs on the location of PCBs in Green Bay;
9. The development of the cost estimates for the remedial alternatives evaluated at the Site, including the remedial alternatives selected in the Records of Decision in 2003 and 2007 for Operable Units 3-5, and the Explanation of Significant Differences issued in 2012;
10. The United States Government’s document productions in this civil action, including:
 - a. All the methods used to locate and produce documents and electronically stored information;
 - b. Searches performed; and,
 - c. Each location searched.

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Dated: August 1, 2012

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